



STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0041

JOHN ELIAS BALDACCI
GOVERNOR

ROLAND D. MARTIN
COMMISSIONER

December 10, 2010

Dear Maine Trapper,

An emergency rule has been promulgated because of recent evidence suggesting that Canada lynx are present in additional areas within the State of Maine. Certain trapping restrictions already apply in WMDs 1-11 in order to avoid the accidental capture of Canada lynx, which is listed as "threatened" under the Endangered Species Act. This emergency rule adds three additional Wildlife Management Districts (**14, 18 and 19**) to the existing regulations regarding the setting of foot-hold and killer-type traps in WMDs 1-11.

The purpose of this rule is to restrict the type, size, and location of traps that can be set in an effort to avoid the accidental capture of Canada lynx in Wildlife Management Districts **14, 18 and 19**. **The rule takes affect immediately.**

The pertinent sections of the trapping rule [Chapter 4.01] I want to call your attention to are sections J and K described below.

Chapter 4.01

J. Size of Traps

Animals may be trapped with any common ordinary steel trap except that in Wildlife Management Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, **14, 18 and 19** no foothold trap (also known as a leghold trap) maybe used that has an inside jaw spread of more than 5 3/8 inches, except that a foothold trap with an inside jaw spread of more than 5 3/8 inches may be used if it is set so as to be fully or partially covered by water at all times. Inside jaw spread is the distance, with the trap in the set position, from the inside center of one jaw (at the dog) to the inside center of the opposite jaw when measured directly across the center of the pan and perpendicular to the base plate. Every foothold trap used in Wildlife Management Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, **14, 18 and 19** that is not set so as to be fully or partially covered by water at all times must be equipped with at least one chain swivel. Killer-type traps with a jaw spread not to exceed 5 inches may be used, except as limited by paragraph K; or killer-type traps with a jaw spread not to exceed 8 inches may be used if set completely under water or at least four feet above ground level or snow. During the open season on beaver it shall be lawful to use a killer-type trap with a jaw spread larger than 8 inches when set completely under water. Killer-type traps shall include so-called Conibear trap and all other traps of that type. In Wildlife Management Districts 12, 15, 16, 17, 20, 21, 22, 23, 24, 25, and 26 it shall be unlawful to use any trap with teeth on the jaws unless completely covered with water, from the opening day of the trapping season to the opening day of the firearm season for deer annually.



It shall be lawful to trap furbearing animals with a common cage type live trap, except that in Wildlife Management Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, **14, 18 and 19** no cage trap which has an opening of more than 13 inches in width or more than 13 inches in height may be used unless the cage trap is being used (1) for wildlife research and survey activities; (2) for the removal of animals that are causing damage to property; or (3) to capture bear. Furbearing animals may also be trapped with so-called colony traps having outside dimensions no greater than 7 inches high by 7 inches wide by 40 inches long, only if set so as to remain completely under water at all times.

Furbearing animals may be trapped with so-called egg traps, duffer traps and all other traps of that type that are designed primarily to catch raccoons and avoid incidental catches of other animals.

K. Location of and Preparation for Traps

No person shall stake, hook, fasten or position a trap at any trap site location in the fields, forests or waters of the State prior to the opening day of the trapping season.

No person shall make any advance preparation on the trapping grounds for the taking of beaver or muskrat previous to the open season on these animals.

No person shall use meat or fish as bait in trapping for beaver.

Except as provided herein, no person, except an agent of the Commissioner, shall place, set or tend any traps (i) within 10 feet of a beaver house, muskrat den or house, (ii) within 5 feet of a beaver dam, or (iii) within 4 feet of a beaver trap that has been set by another trapper. In Wildlife Management Districts 1, 2, 4, 8, 9, and 10 there is no required setback distance from an active beaver dam; this exception expires on April 30, 2011.

Steel foothold or killer-type traps must not be set within 50 yards of bait that is visible from above. Bait may be used for trapping if it is completely covered to prevent it from being seen from above, and it must be covered in such a way as to withstand wind action and other normal environmental conditions. Bait is defined as animal matter including meat, skin, bones, feathers, hair or any other solid substance that used to be part of an animal. This includes live or dead fish. For the purposes of this paragraph, bait does not include animal droppings (scat), urine or animals, dead or alive, held in a trap as the result of lawful trapping activity.

No person may set, place, or tend any killer-type trap in Wildlife Management Districts 1 – 11, **14, 18 and 19** unless set completely underwater or at least 4 feet above the ground or snow level. Except that killer-type traps with an inside jaw spread not to exceed 5 inches may also be used under the following conditions:

- (1) when set so as to be partially covered by water at all times, or
- (2) when set under overhanging stream banks, or
- (3) when used at blind sets as defined below.

For purposes of this paragraph, a blind set is defined as any set designed to catch a wild animal, without the use of bait, lure or visible attractor, by intercepting the animal as it moves naturally through its habitat. Bait, lure and visible attractor do not include animal droppings (scat) or urine.

All killer-type traps in Wildlife Management Districts 1 – 11, **14, 18 and 19** that rely on the rule requiring such traps to be set at least 4 feet above the ground or snow level must be at least 4 feet away from any bank and must be affixed to a pole or tree that is no greater than 4 inches in diameter at 4 feet above the ground or snow level. If a pole is used, the pole must be a natural section of tree, with or without bark, the sides of which have not been sawed, planed or otherwise altered to create a flat surface. The pole or tree to which the trap is affixed must be at an angle of 45° or greater to the ground the entire distance from the ground to the trap. The area within 4 feet of the trap in all directions must be free of trees, poles or other objects greater than 4 inches in diameter and must be free of all trees or poles that are slanted at an angle of less than 45° to the ground at any point between the ground and the height of the trap. The purpose of this rule is to ensure that killer-type traps are not placed in the vicinity of objects that make it easier for lynx to access the trap.

Thank you for your attention to this matter. Have a safe and happy holiday.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Mark Stadler', with a stylized, flowing script.

G. Mark Stadler, Director
Wildlife Division